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FILED
 Clerk
 District Court

APR 19 2006

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

Attorneys for Plaintiff Bernard Sikimour Phillip

**IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN MARIANA ISLANDS**

BERNARD SIKIMOUR PHILLIP,)	CIVIL CASE NO. 05-0039
)	
Plaintiff,)	
)	REQUEST FOR STATUS
vs.)	CONFERENCE
)	
UNITED STATES OF AMERICA,)	
UNITED STATES DEPARTMENT OF)	
STATE, UNITED STATES)	
IMMIGRATION AND CUSTOMS)	
ENFORCEMENT and)	
NANCY K. FINN, individually and in her)	
official capacity,)	
)	
Defendants.)	

Plaintiff, by and through counsel and pursuant to LR 16.2 CJ(e)(6), requests that this Court set a status conference in the above-captioned matter. Pursuant to the Court's instructions at the Case Management Conference on March 24, 2006, Plaintiff's counsel prepared a Proposed Stipulated Request for Decree and Dismissal of Remaining Causes of Action. A copy of this proposed stipulation is attached hereto as "Exhibit A." This document was provided to counsel for Defendants on March 29, 2006 via an electronic mail attachment. Despite repeated phone messages, emails and a fax transmission of the proposed stipulation to the offices of the United States Attorney in Guam, there has been no response from defense counsel whatsoever.

ORIGINAL

1 WHEREFORE, Plaintiff requests that this Court set a Status Conference in order to
2 determine Defendants' reason for delaying the final disposition of this matter by stipulated
3 dismissal by refusing to communicate with counsel for Plaintiff.
4

5
6 Dated: April 19, 2006.

Respectfully submitted,

7 O'CONNOR BERMAN DOTTS & BANES
8 Attorney for Plaintiff Bernard S. Phillip

9 By: 
10 GEORGE L. HASSELBACK
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8 **Attorneys for Plaintiff Bernard Sikimour Phillip**

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN MARIANA ISLANDS**

11 **BERNARD SIKIMOUR PHILLIP,**

12 **Plaintiff,**

13 **vs.**

14 **UNITED STATES OF AMERICA, UNITED**
15 **STATES DEPARTMENT OF STATE,**
16 **UNITED STATES IMMIGRATION AND**
17 **CUSTOMS ENFORCEMENT and**
18 **NANCY K. FINN, individually and in her**
19 **official capacity,**

20 **Defendants.**

) **CIVIL CASE NO. 05-0039**

)

)

) **STIPULATED REQUEST FOR DECREE**

) **AND DISMISSAL OF REMAINING**

) **CAUSES OF ACTION**

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21 **STIPULATION**

22 The parties in the above-captioned matter have settled the matter of Plaintiff's entitlement
23 to a United States passport and wish to resolve the other causes of action contained in Plaintiff's
24 Complaint as quickly as possible so that this matter may be put to rest. In order to do so, the
25 parties stipulate that Plaintiff has provided sufficient testimony and documentation to prove that
26 he became a citizen of the United States on November 4, 1986, under Section 301(b) of the
27 Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with
28 the United States of America. Parties further stipulate to dismissal of all remaining causes of
action with prejudice, with the Court to retain jurisdiction to enforce the terms and conditions of
this stipulated agreement reached between the parties and to determine the amount of any
attorney's fees recoverable, if any, should the parties be unable to reach an agreement on that
issue.

SO STIPULATED

George L. Hasselback, Esq.
Counsel for Plaintiff, Bernard S. Phillip

Mikel Schwab, Esq.
Counsel for Defendants

Dated: _____

Dated: _____

ORDER

Based on the stipulation between the parties in this matter, the pleadings and the other papers on file and the applicable law, the Court DECLARES that Bernard Sikimour Phillip has proven to the satisfaction of this Court that he became a citizen of the United States of America on November 4, 1986, under Section 301(b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and that he is entitled to all the rights and privileges appertaining thereto.

Furthermore, the Court ORDERS that the remaining causes of action in this lawsuit are hereby dismissed with prejudice. This Court retains jurisdiction in this case to enforce the terms and conditions of the stipulated agreement reached between the parties and to determine the amount of any attorney's fees recoverable, if any, should the parties be unable to reach an agreement on that issue.

Dated: March _____, 2006.

Alex R. Munson, Chief Judge